



THE VOICE OF DANIEL WEBSTER.

Remarks made in the Senate of the United States, by
Daniel Webster, on the 12th of August, 1848.

In the course of the first session of the Thirtieth Congress, a bill passed the House of Representatives to organize a government for the Territory of Oregon. This bill received several amendments on its passage through the Senate, and among them one moved by Mr. Douglass of Illinois, on the 10th of August, by which the eighth section of the law of the 6th of March, 1820, for the admission of Missouri, was revived and adopted, as a part of the bill, and declared to be "in full force, and binding, for the future organization of the territories of the United States, in the same sense and with the same understanding with which it was originally adopted."

This, with some of the other amendments of the Senate, was disagreed to by the House. On the return of the bill to the Senate, a discussion arose, and continued for several days, on the question of agreement or disagreement with the amendments of the House to the Senate's amendments.

The principal subject of this discussion was whether the Senate would recede from the above-mentioned amendment moved by Mr. Douglass, which was finally decided in the affirmative. In these discussions, a considerable portion of which was of a conversational character, Mr. Webster took a leading part; but of most of what was said by him, as by other Senators, no report has been preserved. The session of the Senate at which the last and most animated discussion of this subject took place, nominally on Saturday of the 12th of August, was prolonged till ten o'clock, A. M., of Sunday, the 13th. In the course of the debate on this day, Mr. Webster spoke as follows:

Now there are two or three political questions arising in this case, which I wish to state dispassionately; not to argue, but to state. The honorable member from Georgia,* for whom I have great respect, and with whom it is my delight to cultivate personal friendship, has stated, with great propriety, the importance of this question. He has said, that it is a question interesting to the South and to the North, and one which may very

* Mr. Berrien.

well also attract the attention of mankind. He has not stated any part of this too strongly. It is such a question. Without doubt, it is a question which may well attract the attention of mankind. On the subjects involved in this debate, the whole world is not now asleep. It is wide awake; and I agree with the honorable member, that, if what is now proposed to be done by us who resist this amendment is, as he supposes, unjust and injurious to any portion of this community, or against its constitutional rights, that injustice should be presented to the civilized world, and we, who concur in the proceeding, ought to submit ourselves to its rebuke. I am glad that the honorable gentleman proposes to refer this question to the great tribunal of Modern Civilization, as well as the great tribunal of the American People. It is proper. It is a question of magnitude enough, of interest enough, to all the civilized nations of the earth, to call from those who support the one side or the other a statement of the grounds upon which they act.

Now I propose to state as briefly as I can the grounds upon which I proceed, historical and constitutional; and will endeavor to use as few words as possible, so that I may relieve the Senate from hearing me at the earliest possible moment. In the first place, to view the matter historically. This Constitution, founded in 1787, and the government under it, organized in 1789, do recognize the existence of slavery in certain States, then belonging to the Union; and a particular description of slavery. I hope that what I am about to say may be received without any supposition that I intend the slightest disrespect. But this particular description of slavery does not, I believe, now exist in Europe, nor in any other civilized portion of the habitable globe. It is not a *predial* slavery. It is not analogous to the case of the *predial* slaves, or slaves *glebæ adscripti* of Russia, or Hungary, or other states. It is a peculiar system of personal slavery, by which the person who is called a slave is transferable as a chattel, from hand to hand. I speak of this as a fact; and that is the fact. And I will say further, perhaps other gentlemen may remember the instances, that although slavery, as a system of servitude, attached to the earth, exists in various countries of Europe, I am not at the present moment aware of any place on the globe in which this property of man in a human being as a slave, transferable as a chattel, exists, except America. Now, that it existed, in the form in which it still exists, in certain States, at the formation of this Constitution, and that the framers of that instrument, and those who adopted it, agreed that, as far as it existed, it should not be disturbed or interfered with by the new general government, there is no doubt.

The Constitution of the United States recognizes it as an existing fact, an existing relation between the inhabitants of the Southern States. I do not call it an "institution," because that term is not applicable to it; for that seems to imply a voluntary establishment. When I first came here, it was a matter of frequent reproach to England, the mother country, that slavery had been entailed upon the colonies by her, against their consent, and that which is now considered a cherished "institution" was then regarded as, I will not say an *evil*, but an entailment on the Colonies by the policy of the mother country against their wishes. At any rate, it stands upon the Constitution. The Constitution was adopted in 1788, and went into operation in 1789. When it was adopted, the state of the country was this: slavery existed in the Southern States; there was a very large extent of unoccupied territory, the whole Northwestern Territory, which, it was understood, was destined to be formed into States; and it was then determined that no slavery should exist in this territory. I gather now, as a matter of inference from the history of the time and the history of the debates, that the prevailing motives with the North for agreeing to this recognition of the existence of slavery in the Southern States, and giving a representation to those States founded in part upon their slaves, rested on the supposition that no acquisition of territory would be made to form new States on the southern frontier of this country, either by cession or conquest. No one looked to any acquisition of new territory on the southern or southwestern frontier. The exclusion of slavery from the Northwestern Territory and the prospective abolition of the foreign slave trade, were generally, the former unanimously, agreed to; and on the basis of these considerations, the South insisted that where slavery existed it should not be interfered with, and that it should have a certain ratio of representation in Congress. And now, Sir, I am one, who, believing such to be the understanding on which the Constitution was framed, mean to abide by it.

There is another principle, equally clear, by which I mean to abide; and that is, that in the Convention, and in the first Congress, when appealed to on the subject by petitions, and all along in the history of this government, it was and has been a conceded point, that slavery in the States in which it exists is a matter of State regulation exclusively, and that Congress has not the least power over it, or right to interfere with it. Therefore I say, that all agitations and attempts to disturb the relations between master and slave, by persons not living in the slave States, are unconstitutional in their spirit, and are, in my

opinion, productive of nothing but evil and mischief. I countenance none of them. The manner in which the governments of those States where slavery exists are to regulate it, is for their own consideration, under their responsibility to their constituents, to the general laws of propriety, humanity and justice, and to God. Associations formed elsewhere, springing from a feeling of humanity, or any other cause, have nothing whatever to do with it, nor right to interfere with it. They have never received any encouragement from me, and they never will. In my opinion, they have done nothing but delay and defeat their own professed objects.

I have now stated, as I understand it, the condition of things upon the adoption of the Constitution of the United States. What has happened since? Sir, it has happened that, above and beyond all contemplation or expectation of the original framers of the Constitution, or the people who adopted it, foreign territory has been acquired by cession, first from France, and then from Spain, on our southern frontier. And what has been the result? Five slave-holding States have been created and added to the Union, bringing ten Senators into this body, (I include Texas, which I consider in the light of a foreign acquisition also,) and up to this hour in which I address you, not one free State has been admitted to the Union from all this acquired territory!

MR. BERRIEN (in his seat.) Yes, Iowa.

Iowa is not yet in the Union. Her Senators are not here. When she comes in, there will be one to five, one free State to five slave States, formed out of new territories. Now, it seems strange to me that there should be any complaint of injustice exercised by the North toward the South. Northern votes have been necessary, they have been ready, and they have been given, to aid in the admission of these five new slave-holding States. These are facts; and as the gentleman from Georgia has very properly put it as a case in which we are to present ourselves before the world for its judgment, let us now see how we stand. I do not represent the North. I state my own case; and I present the matter in that light in which I am willing, as an individual member of Congress, to be judged by civilized humanity. I say, then, that, according to true history, the slave-holding interest in this country has not been a disfavored interest; it has not been disfavored by the North. The North has concurred to bring in these five slave-holding States out of newly-acquired territory, which acquisitions were not at all in the contempla-

tion of the Convention which formed the Constitution, or of the people when they agreed that there should be a representation of three-fifths of the slaves in the then existing States.

Mr. President, what is the result of this? We stand here now, at least I do, for one, to say, that, considering there have been already five new slave-holding States formed out of newly acquired territory, and only one non-slaveholding State, at most, I do not feel that I am called on to go further; I do not feel the obligation to yield more. But our friends of the South say, You deprive us of all our rights. We have fought for this territory, and you deny us participation in it. Let us consider this question as it really is; and since the honorable gentleman from Georgia proposes to leave the case to the enlightened and impartial judgment of mankind, and as I agree with him that it is a case proper to be considered by the enlightened part of mankind, let us see how the matter in truth stands. Gentlemen who advocate the case which my honorable friend from Georgia, with so much ability, sustains, declare that we invade their rights, that we deprive them of a participation in the enjoyment of territories acquired by the common services and common exertions of all. Is this true? How deprive? Of what do we deprive them? Why, they say that we deprive them of the privilege of carrying their slaves, as slaves, into the new territories. Well, Sir, what is the amount of that? They say that in this way we deprive them of the opportunity of going into this acquired territory with their property. Their "property"? What do they mean by "property"? We certainly do not deprive them of the privilege of going into these newly acquired territories with all that, in the general estimate of human society, in the general, and common, and universal understanding of mankind, is esteemed property. Not at all. The truth is just this. They have, in their own States, peculiar laws, which create property in persons. They have a system of local legislation on which slavery rests; while everybody agrees that it is against natural law, or at least against the common understanding which prevails among men as to what is natural law.

I am not going into metaphysics, for therein I should encounter the honorable member from South Carolina,* and we should find "no end, in wandering mazes lost," until after the time for the adjournment of Congress. The Southern States have peculiar laws, and by those laws there is property in slaves. This is purely local. The real meaning, then, of Southern gentlemen, in making this complaint, is, that they cannot go into the territories of the United States carrying with them their own pecu-

* Mr. Calhoun.

liar local law, a law which creates property in persons. This, according to their own statement, is all the ground of complaint they have. Now here, I think, gentlemen are unjust towards us. How unjust they are, others will judge: generations that will come after us will judge. It will not be contended that this sort of personal slavery exists by general law. It exists only by local law. I do not mean to deny the validity of that local law where it is established; but I say it is, after all, local law. It is nothing more. And wherever that local law does not extend, property in persons does not exist. Well, Sir, what is now the demand on the part of our Southern friends? They say, "We will carry our local laws with us wherever we go. We insist that Congress does us injustice unless it establishes in the territory in which we wish to go our own local law." This demand I for one resist, and shall resist. It goes upon the idea that there is an inequality, unless persons under this local law, and holding property by authority of that law, can go into new territory and there establish that local law, to the exclusion of the general law. Mr. President, it was a maxim of the civil law, that, between slavery and freedom, freedom should always be presumed, and slavery must always be proved. If any question arose as to the *status* of an individual in Rome, he was presumed to be free until he was proved to be a slave, because slavery is an exception to the general rule. Such, I suppose, is the general law of mankind. An individual is to be presumed to be free, until a law can be produced which creates ownership in his person. I do not dispute the force and validity of the local law, as I have already said; but I say, it is a matter to be proved; and therefore, if individuals go into any part of the earth, it is to be proved that they are not freemen, or else the presumption is that they are.

Now our friends seem to think that an inequality arises from restraining them from going into the territories, unless there be a law provided which shall protect their ownership in persons. The assertion is, that we create an inequality. Is there nothing to be said on the other side in relation to inequality? Sir, from the date of this Constitution, and in the counsels that formed and established this Constitution, and I suppose in all men's judgment since, it is received as a settled truth, that slave labor and free labor do not exist well together. I have before me a declaration of Mr. Mason, in the Convention that formed the Constitution, to that effect. Mr. Mason, as is well known, was a distinguished member from Virginia. He says that the objection to slave labor is, that it puts free white labor in disrepute; that it causes labor to be regarded as derogatory to the

character of the free white man, and that the free white man despises to work, to use his expression, where slaves are employed. This is a matter of great interest to the free States, if it be true, as to a great extent it certainly is, that wherever slave labor prevails free white labor is excluded or discouraged. I agree that slave labor does not necessarily exclude free labor totally. There is free white labor in Virginia, Tennessee, and other States, where most of the labor is done by slaves. But it necessarily loses something of its respectability, by the side of, and when associated with, slave labor. Wherever labor is mainly performed by slaves, it is regarded as degrading to freemen. The freemen of the North, therefore, have a deep interest in keeping labor free, exclusively free, in the new territories.

But, Sir, let us look further into this alleged inequality. There is no pretence that Southern people may not go into territory which shall be subject to the Ordinance of 1787. The only restraint is, that they shall not carry slaves thither, and continue that relation. They say this shuts them altogether out. Why, Sir, there can be nothing more inaccurate in point of fact than this statement. I understand that one half the people who settled Illinois are people, or descendants of people, who came from the Southern States. And I suppose that one third of the people of Ohio are those, or descendants of those, who emigrated from the South; and I venture to say, that, in respect to those two States, they are at this day settled by people of Southern origin in as great a proportion as they are by people of Northern origin, according to the general numbers and proportion of people, South and North. There are as many people from the South, in proportion to the whole people of the South, in those States, as there are from the North, in proportion to the whole people of the North. There is, then, no exclusion of Southern people; there is only the exclusion of a peculiar local law. Neither in principle nor in fact is there any inequality.

The question now is, whether it is not competent to Congress, in the exercise of a fair and just discretion, considering that there have been five slave-holding States added to this Union out of foreign acquisitions, and as yet only one free State, to prevent their further increase. That is the question. I see no injustice in it. As to the power of Congress, I have nothing to add to what I said the other day. Congress has full power over the subject. It may establish any such government, and any such laws, in the territories, as in its discretion it may see fit. It is subject, of course, to the rules of justice and propriety; but it is under no constitutional restraints.

I have said that I shall consent to no extension of the area of slavery upon this continent, nor to any increase of slave representation in the other house of Congress. I have now stated my reasons for my conduct and my vote. We of the North have already gone, in this respect, far beyond all that any Southern man could have expected, or did expect, at the time of the adoption of the Constitution. I repeat the statement of the fact of the creation of five new slave-holding States out of newly acquired territory. We have done that which, if those who framed the Constitution had foreseen, they never would have agreed to slave representation. We have yielded thus far ; and we have now in the House of Representatives twenty persons voting upon this very question, and upon all other questions, who are there only in virtue of the representation of slaves.

Let me conclude, therefore, by remarking, that, while I am willing to present this as showing my own judgment and position, in regard to this case, and I beg it to be understood that I am speaking for no other than myself, and while I am willing to offer it to the whole world as my own justification, I rest on these propositions : First, That when this Constitution was adopted, nobody looked for any new acquisition of territory to be formed into slave-holding States. Secondly, That the principles of the Constitution prohibited, and were intended to prohibit, and should be construed to prohibit, all interference of the general government with slavery as it existed and as it still exists in the States. And then, looking to the operation of these new acquisitions, which have in this great degree had the effect of strengthening that interest in the South by the addition of these five States, I feel that there is nothing unjust, nothing of which any honest man can complain, if he is intelligent, and I feel that there is nothing with which the civilized world, if they take notice of so humble a person as myself, will reproach me, when I say, as I said the other day, that I have made up my mind, for one, that under no circumstances will I consent to the further extension of the area of slavery in the United States, or to the further increase of slave representation in the House of Representatives.

The sentiments as expressed by Mr. Webster upon the exclusion of Slavery from the Territories, in the foregoing speech, are the sentiments of the Republican Party of to-day, and if he were alive now he would be one of its prominent champions, as all who read this speech must admit.